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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,813	10/12/2001	Edward Larue Stull	010809-0003-999	4122
20583	7590	09/07/2005	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			REID, CHERYL M	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,813

Applicant(s)

STULL ET AL.

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/15/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1- 46 have been examined.

Response to Arguments

2. Applicant's arguments filed on 7/07/2005 have been fully considered but they are not persuasive. Applicant asserts that a combination of McLauchlin and Pasquali would not result in a portal having multiple viewers is respectively traversed. Pasquali teaches of portal sites (portal) where a network surfer is presented with a set of pseudo-windows (a plurality of data viewers) (Col 2, lines 65-67, Col 3, lines 1-7). Pasquali also teaches of web sites (portal) that cause instantiation of additional web browsers (data viewers) (Col 2, lines 59-63). As stated in the previous office action, McLauchlin did not explicitly teach on the above-limitations, however incorporating the teachings of Pasquali would eliminate this deficiency. McLauchlin's invention is related to sharing data among systems via a web-based portal(Col 1, lines 15-20) and Pasquali's invention relates to dynamic manifestation of content within a WWW browser environment (Col 1, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Pasquali because both inventions are in the same filed of endeavor, therefore the teachings of both references would be readily apparent to one in the art looking to solve problems related to accessing and displaying information via the Internet or web-base portals. One of ordinary skill in the art at the time of invention would have been motivated for the reasons discussed by Pasquali (Col 2, lines 35-40).

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3. In regards, to Applicant's remaining arguments, Applicant's arguments with respect to claims 40, 41 and 42 have been considered but are moot in view of the new ground(s) of rejection.
4. The 112th rejection that was set forth in the previous office action is withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. ***Claims 1-4, 6, 8, 9-11, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLauchlin and in view of Pasquel.***

7. The rejections of claims 1-4, 6, 8, 9-11, 13 and 23 were set forth in the previous office action mailed on 1/26/2005.

8. ***Claims 5,7,12,19, 14 –18, 24-26, 27-32,34-39 ,44,45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLauchlin and Pasquali as applied to claim 1 above, and further in view of Edelson.***

9. The rejections of claims 7,12,19, 14 –18, 24-26, 27-32,34-39 **were** set forth in the previous office action mailed on 1/26/2005.

10. In regard to claim 27, McLauchlin teaches of an interface connecting the system to a plurality of data sources (Col 4, lines 38-45, Fig 1); portal having access to a data source and being configured to perform analysis of data in the data source and displaying the results of an analysis (Col 3, lines 35-37), each portal having one or more of the following management features: create,save,open,edit, merge and destroy (Col 2, lines 58-63) wherein the instantiation of additional web browsers is the management feature of creating. McLauchlin does not explicitly teach about the portal comprising a plurality of data viewers..... Pasquali teaches on this aspect (Col 4, lines 14-21, Fig 2) and that data input facility including a graphical user interface for selecting Edelson teaches on these aspects (Fig 1). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the above teachings because the inventions are in the same filed of endeavor, therefore the teachings of both references would be readily apparent to one in the art looking to solve problems related to accessing and displaying information via electronic methods. One of ordinary skill in the arts at the time of invention would have been motivated for the reasons discussed by Pasquali (col 1, lines 25-55).

11. The rejection of claim 44, 39 were set forth in the previous office action mailed on 1/26/2005. In regarding the amendment to the preamble of claim 44, which does not have any patentable weight, McLauchlin teaches of : each portal having one or more of the following management features: create,save,open,edit, merge and destroy (Col 2, lines 58-63).

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12. The rejections of claims 45-46 were set forth in the previous office action mailed on 1/26/2005.

13. Claims 20-22, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLauchlin and in view of Pasquel and in further view of Prologo.

14. The rejections of claims 20-22 and 33 were set forth in the previous office action mailed on 1/26/2005.

15. Claims 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prologo, in view of Pasquali.

16. In regards to claim 41, Prologo teaches of creating at least one new data set from the selected data (col 5, lines 28-31) wherein the generated output is the new data set; modifying the created at least one new data set to represent conditions required to test an application program (col 5, lines 35-40), wherein the modification is saving the generated output as the new key file; comparing one or more modified data sets to a reference data set (col 1, lines 65-67, Col 2, lines 1-5); creating a data set of differences between the modified and the reference data sets (col 2, lines 4-10, lines 25-31) and to initiate data analysis operations on a defined data set (col 6, lines 50-67), but does not

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explicitly teach of the remaining limitations. Pasquali teaches of : selecting data from one or more data sets using specified selection criteria (col 1, lines 64-67, Col 2, lines 1-5), using a GUI configured to display concurrently data possibly having different data formats (fig 2). It is an objective of Prologo's invention to increase the speed of testing software (Col 1, lines 10-25). It would have been obvious to one of ordinary skill in the arts to incorporate the above-mentioned feature because it would improve the speed of testing software by allowing the tester to view various information concurrently. One of ordinary skill in the arts at the time of invention would have been motivated for the reasons discussed by Prologo(col 1, line 40) and Pasquali (col 2, lines 35-40).

17. In regards to claim 42, Prologo teaches of : comparing two or more selected data sets (col 5, lines 30-40); creating a data set of differences between the data sets being compared (col 2, lines 4-10, lines 25-31) and to initiate data analysis operations on a defined data set (col 6, lines 50-67), but does not explicitly teach of the remaining limitations. Pasquali teaches of : selecting data from two or more data sets using specified selection criteria (col 1, lines 64-67, Col 2, lines 1-5) wherein the two or more data sets are perused lists, using a GUI configured to display concurrently data possibly having different data formats (fig 2). See claim 41 for motivation.

18. Claims 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prologo, and Pasquali and further in view of McLauchlin.

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19. The rejections of claim 43 was set forth in the previous office action mailed on 1/26/2005.

20. *Claims 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edelson in view of Hoek et al (us 6583798) hereinafter Hoek.*

21. In regards to claim 40, Edelson teaches of : receiving input form a user directing a cursor of a computer mouse to a position over one of the toolbar or menu items (fig 1), locating a help file associated with the toolbar or menu item being selected and displaying information from the help file (Col 11, lines 35-55, Fig 1) but does not explicitly teach of the remaining limitations. Hoek teaches of receiving user input corresponding to a click of the right button of the mouse and displaying information in a window (col 1,lines 40-50, fig 1d). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the above teachings because the inventions are in the same filed of endeavor, therefore the teachings of both references would be readily apparent to one in the art looking to solve problems related to improving the user-friendliness aspects in relation to accessing and displaying information via electronic methods. One of ordinary skill in the arts at the time of invention would have been motivated for the reasons discussed by Hoek (col 1, lines 20-38).

Conclusion

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22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


23. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr


BEATRIZ PRIETO
PRIMARY EXAMINER